

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MASSACHUSETTS**

**LEONARDO ZULUAGA MARTINEZ**

Petitioner

Notice of Motion to Proceed  
As a Poor Person

v.

Index & Docket No

**COMMONWEALTH OF MASSACHUSETTS**

Respondent

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COMES NOW, Leonardo Zuluaga Martinez the petitioner in the above-entitled matter, and in support of this motion to proceed without being required to prepay fees or cost to give security thereof. It is hereby stated that because of his dire financial condition, he is unable to pay the cost of the said proceeding or to give security therefor. Petitioner believes that he is, or should be am entitled to redress.

I further declare that the statements submitted heretofore are true and correct.

- 1) That the petitioner is currently incarcerated and is not presently employed, and is without funds or income.
- 2) Petitioner has been in a state of incapacitation in excess of three years, and has not been meaningfully employed, within that duration.
- 3) Petitioner has in the past three years only received minimal assistance in the form of funds from his immediate family members. He has also never received, within the past twelve months, any money from any of the following sources.

(a) Business, profession, or form of self-employment,

- (b) Rent payments, interest, or dividends.
- (c) Pensions annuities, or life insurance payments.
- (d) Gifts or inheritances.
- (e) Any form of public assistance.
- (f) Nor any other sources other than that which was stated above.

4. Petitioner does not own any cash, nor does he have money in a checking or savings account.

5. Petitioner also, does not own any real estate, stock, bonds, notes, automobiles or other valuable property.

*"I understand that a false statement or answer to any question in this declaration will subject me to the penalties of perjury."*

*I declare under penalty of perjury that the foregoing is true and correct."*

Dated: January 9, 2004

Signed: \_\_\_\_\_

LEONARDO ZULUAGA MARTINEZ

**CERTIFICATION BY MAIL**

I, Leonardo Zuluaga Martinez, hereby state that I am the party initiating the annexed litigation. And that further, I am of such age and discretion, to be competent to serve papers. I further certify that on January 9, 2004 I caused the enclosed a Habeas Corpus Petition §2254, Memorandum of law and a Forma Pauperis to be served upon the parties hereafter named. The same was served by placing a true copy of the within in a post-paid properly addressed wrapper and by depositing the same, in an official receptacle designated for that purpose at the Buffalo Federal Detention Facility, 4250 Federal Drive, Batavia, New York 14020, under the exclusive care and custody of the United States Postal Service in the State of New York.

Executed: January 9, 2004

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
Tony Anastas, Clerk of the Court  
Donohue Federal Building  
595 Main Street-Worcester, Ma 01608

Signed: \_\_\_\_\_

Leonardo Zuluaga Martinez